

Existing Regulation(s)	Proposed Amendment & Description
<p>Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan.</p>	<p>Increase the wetland exemption threshold for isolated wetlands from 1,000 to 4,000 square feet based upon the criteria identified by the Department of Ecology.</p>
<p>Desired Result of Amendment: The proposed amendment will bring the Sammamish Municipal Code into alignment with peer jurisdictions code and Washington State regulating agencies suggested best practices. It will also offer more flexibility to property owners seeking to develop where small and isolated wetlands exist.</p>	

Amendment Source:

Public comments

Best Available Science Support: Not Supported

- Best Available Science Report “Wetlands” by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references) (if applicable):

- Wetlands in Washington State, Volume 1: A Synthesis of the Science; Sections 5.3.3 and 5.3.4; Ecology Publication #05-06-006, March 2005.
- Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version; 1st revision July 2011; Ecology Publication #10-06-002.

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.320 – Wetlands – Limited exemption

Public Comment Reference(s):

33, 67-70, 84, 85, 88, 101, 105, 116, 182

Notes:

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	N	Implementation	Neutral
<ul style="list-style-type: none"> • Decreased on-site protection of wetlands • Decreased protection of public assets and resources (e.g. streets, water quality) • Increased cumulative impacts to wetlands • Neutral effect on potential to restore damaged wetland buffer areas • Increased chance of damage to wetlands • Neutral potential to damage high quality, unique wetlands • Increased net loss of wetland functions and values <p>The proposed amendment would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. Also, the potential for damage to wetlands, including smaller high quality wetlands would be greater as the city more wetlands would be exempt from review. Although this amendment is supported by Department of Ecology, it does not appear to be based on BAS, it is suggested as a potential policy alternative for small municipalities with less review capacity.</p>		<ul style="list-style-type: none"> • Neutral effect on clarity, neutral chance for unintended consequences • Neutral effect on consistent, efficient implementation by the staff • Increased likelihood of support/approval by other agencies • Decreased effective mitigation, easier to monitor <p>The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> • Increased flexibility and options for property owner's use of property • Increased predictability for permit applicants and neighbors • Increased recognition of site improvements and existing uses in standards • More expense / more time <p>The proposed amendment would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would also increase predictability as more wetlands would fall under this exemption. The property owner would incur a greater cost as a result of the critical areas study, but in return may see a greater financial gain on the property value.</p>		<h2>Negative</h2>	

Isolated Wetland Exemption to 4,000 sq ft Item 3-19**b**

Existing Regulation(s)	Proposed Amendment & Description
<p>Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan.</p>	<p>Increase the wetland exemption threshold for isolated wetlands from 1,000 to 4,000 square feet based upon the criteria identified by the Department of Ecology. Criteria for authorizing the wetland exemption would require evaluation of whether or not the wetland was part of a wetland mosaic.</p>
<p>Desired Result of Amendment: The proposed amendment will bring the Sammamish Municipal Code into alignment with peer jurisdictions code and Washington State regulating agencies suggested flexibilities best practices. It will also offer more flexibility to property owners seeking to develop where small and isolated wetlands exist.</p>	

Amendment Source:

Public comments

Best Available Science Support: Not Supported

- Best Available Science Report “Wetlands” by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references) (if applicable):

- Wetlands in Washington State, Volume 1: A Synthesis of the Science; Sections 5.3.3 and 5.3.4; Ecology Publication #05-06-006, March 2005.
- Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version; 1st revision July 2011; Ecology Publication #10-06-002.

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.320 – Wetlands – Limited exemption

Public Comment Reference(s):

33, 67-70, 84, 85, 88, 101, 105, 116, 182, [220](#)

Notes:

Isolated Wetland Exemption to 4,000 sq ft Item 3-19**b**

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	N	Implementation	Neutral
<ul style="list-style-type: none"> Decreased on-site protection of wetlands Decreased protection of public assets and resources (e.g. streets, water quality) Increased cumulative impacts to wetlands Neutral effect on potential to restore damaged wetland buffer areas Increased chance of damage to wetlands Neutral potential to damage high quality, unique wetlands Increased net loss of wetland functions and values <p>The proposed amendment would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. Also, the potential for damage to wetlands, including smaller high quality wetlands would be greater as the city more wetlands would be exempt from protections<u>review</u>. Although this amendment is <u>supported-not opposed</u> by Department of Ecology, it does not appear to is not be based on BAS, it is suggested as a potential policy alternative for small municipalities with less review capacity.</p>		<ul style="list-style-type: none"> Neutral effect on clarity, neutral chance for unintended consequences Neutral effect on consistent, efficient implementation by the staff Increased likelihood of support/approval by other agencies Decreased effective mitigation, easier to monitor <p>The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> Increased flexibility and options for property owner's use of property Increased<u>Neutral</u> predictability for permit applicants and neighbors Increased recognition of site improvements and existing uses in standards More expense / more time <p>The proposed amendment would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would <u>not affect</u>also increase predictability as more wetlands would fall under this exemption. The property owner would incur a greater cost as a result of the critical areas study, but in return may see a greater financial gain on the property value.</p>		<h2>Negative</h2>	

Isolated Wetland Exemption to 2,500 sq ft Item 3-19c

Existing Regulation(s)	Proposed Amendment & Description
<p>Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan.</p>	<p>Increase the wetland exemption threshold for isolated wetlands from 1,000 to 2,500 square feet based upon the criteria identified by the Department of Ecology. Criteria for authorizing the wetland exemption would require evaluation of whether or not the wetland was part of a wetland mosaic. Habitat score of less than 15 (as opposed to 20 in item 3-19b). Additional mitigation would be required for wetland area impacted above the current 1,000 square foot exemption level (for example, if a 2,500 wetland is altered, "standard" mitigation would be required for 1,000 square feet, and "increased" mitigation for 1,500 square feet).</p>
<p>Desired Result of Amendment: The proposed amendment will bring the Sammamish Municipal Code into alignment with peer jurisdictions, which generally provide exemptions of up to 2,500 square feet. It will offer more flexibility to property owners seeking to develop where small and isolated wetlands exist. The environmental effect is reduced through the increased mitigation, smaller size, and lower habitat score.</p>	

Amendment Source:

Public comments

Best Available Science Support: Not Supported

- Best Available Science Report "Wetlands" by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references) (if applicable):

- Wetlands in Washington State, Volume 1: A Synthesis of the Science; Sections 5.3.3 and 5.3.4; Ecology Publication #05-06-006, March 2005.
- Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version; 1st revision July 2011; Ecology Publication #10-06-002.

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.320 – Wetlands – Limited exemption

Public Comment Reference(s):

33, 67-70, 84, 85, 88, 101, 105, 116, 182, 220

Notes:

Isolated Wetland Exemption to 2,500 sq ft Item 3-19c

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	n	Implementation	Neutral
<ul style="list-style-type: none"> • Decreased on-site protection of wetlands • Decreased protection of public assets and resources (e.g. streets, water quality) • Increased cumulative impacts to wetlands • Increased effect on potential to restore damaged wetland buffer areas • Increased chance of damage to wetlands • Neutral potential to damage high quality, unique wetlands • Neutral effect on net loss of wetland functions and values <p>The proposed amendment would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. Also, the potential for damage to wetlands, including smaller high quality wetlands would be greater as more wetlands would be exempt from protections. Although this amendment is not opposed by Department of Ecology, it is not based on BAS, it is suggested as a potential policy alternative for small municipalities.</p>		<ul style="list-style-type: none"> • Neutral effect on clarity, neutral chance for unintended consequences • Neutral effect on consistent, efficient implementation by the staff • Increased likelihood of support/approval by other agencies • Decreased effective mitigation, easier to monitor <p>The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> • Increased flexibility and options for property owner's use of property • Neutral predictability for permit applicants and neighbors • Increased recognition of site improvements and existing uses in standards • More expense / more time <p>The proposed amendment would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would not affect predictability. The property owner would incur a greater cost as a result of the critical areas study, but in return may see a greater financial gain on the property value.</p>		<h2>Positive</h2>	

Isolated Wetland Exemption to 2,500 sq ft Item 3-19c

Existing Regulation(s)	Proposed Amendment & Description
<p>Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan.</p>	<p>Increase the wetland exemption threshold for isolated wetlands from 1,000 to 2,500 square feet based upon the criteria identified by the Department of Ecology. Criteria for authorizing the wetland exemption would require evaluation of whether or not the wetland was part of a wetland mosaic. Habitat score of less than 15 (as opposed to 20 in item 3-19b). Additional mitigation would be required for wetland area impacted above the current 1,000 square foot exemption level (for example, if a 2,500 wetland is altered, "standard" mitigation would be required for 1,000 square feet, and "increased" mitigation for 1,500 square feet).</p>
<p>Desired Result of Amendment: The proposed amendment will bring the Sammamish Municipal Code into alignment with peer jurisdictions, which generally provide exemptions of up to 2,500 square feet. It will offer more flexibility to property owners seeking to develop where small and isolated wetlands exist. The environmental effect is reduced through the increased mitigation, smaller size, and lower habitat score.</p>	

Amendment Source:

Public comments

Best Available Science Support: Not Supported

- Best Available Science Report "Wetlands" by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references) (if applicable):

- Wetlands in Washington State, Volume 1: A Synthesis of the Science; Sections 5.3.3 and 5.3.4; Ecology Publication #05-06-006, March 2005.
- Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version; 1st revision July 2011; Ecology Publication #10-06-002.

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.320 – Wetlands – Limited exemption

Public Comment Reference(s):

33, 67-70, 84, 85, 88, 101, 105, 116, 182, 220

Notes:

Isolated Wetland Exemption to 2,500 sq ft Item 3-19c

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	n	Implementation	Neutral
<ul style="list-style-type: none"> Decreased on-site protection of wetlands Decreased protection of public assets and resources (e.g. streets, water quality) Increased cumulative impacts to wetlands Increased effect on potential to restore damaged wetland buffer areas Increased chance of damage to wetlands Neutral potential to damage high quality, unique wetlands Neutral effect on net loss of wetland functions and values <p>The proposed amendment would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. Also, the potential for damage to wetlands, including smaller high quality wetlands would be greater as more wetlands would be exempt from protections. Although this amendment is not opposed by Department of Ecology, it is not based on BAS, it is suggested as a potential policy alternative for small municipalities.</p>		<ul style="list-style-type: none"> Neutral effect on clarity, neutral chance for unintended consequences Neutral effect on consistent, efficient implementation by the staff Increased likelihood of support/approval by other agencies Decreased effective mitigation, easier to monitor <p>The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> Increased flexibility and options for property owner's use of property Neutral predictability for permit applicants and neighbors Increased recognition of site improvements and existing uses in standards More expense / more time <p>The proposed amendment would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would not affect predictability. The property owner would incur a greater cost as a result of the critical areas study, but in return may see a greater financial gain on the property value.</p>		<h2>Positive</h2>	

Isolated wetland exemption and Wetland buffer exemption

Item 3-19d

Existing Regulation(s)	Proposed Amendment & Description
<p>Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan.</p>	<p>Increase the wetland size exemption from avoidance sequencing for isolated wetlands from 1,000 to 2,500 square feet.</p> <p>Allow reduction of the buffer to 15-foot wide (plus 15 foot building setback) for low quality category III & IV wetlands under 4,000 square feet.</p> <p>Criteria for authorizing a reduced buffer would include:</p> <ul style="list-style-type: none"> • Evaluation of whether or not the wetland was part of a wetland mosaic. • Habitat score of less than 15 (as opposed to 20 in item 3-19b). • Mitigation to include enhancement of remaining buffer/wetland or alternative high value area. • No further buffer averaging or reduction.
<p><u>Desired Result of Amendment:</u></p> <p>The proposed amendments would revise the current size limitation for being exempt from the avoidance sequencing criteria for low quality isolated category III and IV wetlands from the current 1000 square feet to 2500 square feet, a figure closer to many peer jurisdictions.</p> <p>Also, larger low quality wetlands (up to 4,000 square feet) would have either the standard buffer or a reduced buffer (to 15 feet plus a 15 foot building setback, total 30 ft) provided that lost buffer functions are mitigated on site and the remaining buffer or other high value area is enhanced. This will provide additional flexibility.</p>	

Amendment Source:

Staff

Best Available Science Support: Supported

- Best Available Science Report “Wetlands” by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references) (if applicable):

- Wetlands in Washington State, Volume 1: A Synthesis of the Science; Sections 5.3.3 and 5.3.4; Ecology Publication #05-06-006, March 2005.
- Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version; 1st revision July 2011; Ecology Publication #10-06-002.

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.320 – Wetlands – Limited exemption
- Possibly a new code section

Public Comment Reference(s):

33, 67-70, 84, 85, 88, 101, 105, 116, 182, 220

Notes:

Isolated wetland exemption and Wetland buffer exemption

Item 3-19d

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	n	Implementation	Neutral
<ul style="list-style-type: none"> Decreased on-site protection of wetlands Decreased protection of public assets and resources (e.g. streets, water quality) Increased cumulative impacts to wetlands Increased effect on potential to restore damaged wetland buffer areas Increased chance of damage to wetlands Neutral potential to damage high quality, unique wetlands Some net loss of wetland functions and values <p>The proposed amendment to increase the wetland exemption to 2,500 square feet would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. Although this amendment is not opposed by Department of Ecology, it is not based on BAS; it is suggested as a potential policy alternative for small municipalities. The additional allowance for wetland buffer modifications associated with type III and IV wetlands preserves and enhances the portion of the buffer area most important to the functions and values of small low value wetlands.</p>		<ul style="list-style-type: none"> Neutral effect on clarity, neutral chance for unintended consequences Neutral effect on consistent, efficient implementation by the staff Neutral likelihood of support/approval by other agencies Decreased effective mitigation, easier to monitor <p>The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> Increased flexibility and options for property owner's use of property Neutral predictability for permit applicants and neighbors Increased recognition of site improvements and existing uses in standards Neutral expense / more time <p>The proposed amendment to increase the wetland exemption to 2,500 square feet would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would not affect predictability. The property owner might incur a greater cost as a result of the critical areas study, but in return would have greater flexibility in property use.</p> <p>The additional allowance for wetland buffer modifications associated with type III and IV wetlands up to 4,000 square feet would further increase flexibility for property owners with relatively small low value wetland areas.</p>		<h2>Positive</h2>	

Isolated wetland exemption and Wetland buffer exemption

Item 3-19e

Existing Regulation(s)	Proposed Amendment & Description
<p>Current regulations allow for isolated wetlands less than 1,000 square feet to be exempted from the Wetland Development Standards of the SMC provided any impacts are mitigated pursuant to an approved mitigation plan.</p>	<p>The proposed modification to item 4-19d would increase the wetland size exemption from avoidance sequencing for isolated wetlands from 1,000 to 4,000 square feet, provided that the area of impacted wetland does not exceed 2,500 square feet, and is mitigated consistent with the mitigation requirements.</p>
<p>Desired Result of Amendment: This alternative modifies the proposed item 3-19d, which allows reduced wetland buffers. The proposed modification would allow for wetlands with an area of up to 4,000 square feet to be altered, provided that no more than 2,500 square feet is filled.</p>	

Amendment Source:

Staff

Best Available Science Support: Not Supported

- Best Available Science Report “Wetlands” by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references) (if applicable):

- Wetlands in Washington State, Volume 1: A Synthesis of the Science; Sections 5.3.3 and 5.3.4; Ecology Publication #05-06-006, March 2005.
- Wetlands and CAO Updates: Guidance for Small Cities, Western Washington Version; 1st revision July 2011; Ecology Publication #10-06-002.

Affected Code Section(s) (includes duplicative and overlapping sections):

- 21A.50.320 – Wetlands – Limited exemption
- Possibly a new code section

Public Comment Reference(s):

33, 67-70, 84, 85, 88, 101, 105, 116, 182, 220

Notes:

Isolated wetland exemption and Wetland buffer exemption

Item 3-19e

Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	n	Implementation	Neutral
<ul style="list-style-type: none"> Decreased on-site protection of wetlands Decreased protection of public assets and resources (e.g. streets, water quality) Increased cumulative impacts to wetlands Increased effect on potential to restore damaged wetland buffer areas Increased chance of damage to wetlands Neutral potential to damage high quality, unique wetlands Some net loss of wetland functions and values <p>The proposed amendment to increase the wetland exemption to 4,000 square feet would allow for more wetlands to fall under the exemption, thereby allowing more cumulative impacts and net loss of overall wetland functions and values. However, limiting the area of impact to 4,000 square foot wetlands to 2,500 square feet, combined with wetland mitigation, will reduce the loss of wetland functions and values while providing greater flexibility.</p>		<ul style="list-style-type: none"> Neutral effect on clarity, neutral chance for unintended consequences Neutral effect on consistent, efficient implementation by the staff Neutral likelihood of support/approval by other agencies Decreased effective mitigation, easier to monitor <p>The proposed amendment would have little impact on regulation clarity or on application review, although it may have some impact on the quantity of mitigation projects that must be reviewed and tracked by the city.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> Increased flexibility and options for property owner's use of property Neutral predictability for permit applicants and neighbors Increased recognition of site improvements and existing uses in standards Neutral expense / more time <p>The proposed amendment to increase the wetland exemption to 2,500 square feet would offer greater flexibility for applicants seeking to develop sites constrained by an isolated wetland. It would not affect predictability. The property owner might incur a greater cost as a result of the critical areas study, but in return would have greater flexibility in property use.</p> <p>The additional allowance for wetland buffer modifications associated with type III and IV wetlands up to 4,000 square feet would further increase flexibility for property owners with relatively small low value wetland areas.</p>		<h2>Positive</h2>	